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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,533	04/25/2001	Steven Winnett	12128-128001	7262
26161	7590	11/19/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			KIM, AHSIIK	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/842,533	WINNETT, STEVEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ahshik Kim	2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/11/03 (Amendment).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. This application has been filed with some informal drawings (figures 1, 3, and 4), which  
5 are acceptable for examination purposes only. Formal drawings will be required in response to  
this Office Action or when the application is allowed.

### *Amendment*

2. Receipt is acknowledged of the amendment filed on July 11, 2003. In the amendment  
10 claims 1, 4-7, 9, 12-16, 19, and 20 were amended. Currently, claims 1-20 remain for  
examination.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
15 obviousness rejections set forth in this Office action:

20 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in  
section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are  
such that the subject matter as a whole would have been obvious at the time the invention was made to a person  
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the  
manner in which the invention was made.

4. Claims 1-3, and 7-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
McClure et al. (US 6,250,548) in view of West et al. (US 6,175,833).

Re claims 1-3, 7, 10, 11, 15, 16, and 18-20, McClure teaches a comprehensive electronic  
25 voting system and the method for conducting an election (see abstract) wherein eligible voters  
are registered, and assigned a unique identification number (col. 15, lines 18-46); the voters on

election day conduct the voting utilizing display showing election selections (see abstract; col. 2, lines 50+; col. 4, lines 58+); the voters after their identification verification, select candidates and issues and cast their ballots. The electronic voting record from each booth is transmitted to central locations, and saved in the voting machine for later retrieval and audit if needed (col. 42, lines 36+).

McClure fails to specifically teach or fairly suggest of publishing election results in public places such as an electronic bulletin board.

West teaches on-line voting system wherein each voter is recognized by unique identification number 72 - GUID (col. 5, lines 47+), and the results of the election/voting are continuously display on the Internet (col. 4, line 63 – col. 5, line 27). As recited in claims 12-14, and 17, the Internet includes a telecommunication network, and a voter can retrieve the voter's previous voting related data as shown in figure 6.

In view of West's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate well-known electronic bulletin board to the teachings of McClure in order to provide information regarding the results of the voting/election. Information sharing over the Internet is gaining fast acceptance and utilized in wide range of applications. McClure discloses Internet-voting as one of many embodiments. Accordingly, displaying related information such as up-to-date voting results over the Internet as shown in West would have been an obvious extension, well within the ordinary skill in the art. Moreover, individual's voting can also be verified over the Internet by displaying impersonal user-id, and without disclosing personal information.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. (US 6,250,548) as modified by West et al. (US 6,175,833) as applied to claim 1 above, and further in view of Anno (US 5,189,288). The teachings of McClure as modified by West have been discussed above.

5 McClure/West fail to specifically teach or fairly suggest of printing receipt at the voting place.

Anno teaches an automated voting system (see abstract) wherein the selection of the voter is electronically saved and the results are also printed on identifiable voter's card (col. 2, lines 3+; col. 2, lines 20+).

10 In view of Anno's teaching, it would have been obvious to an ordinary skill in the art at the time the invention was made to further incorporate a printing module to the teachings of McClure/West in order to provide the voters the record of their voting. Although McClure provides ample opportunity to decide on candidates or issues before one pushes cast ballot button 84, it is the voters often second question themselves once they cast a ballot. By incorporating  
15 receipt printing feature disclosed in Anno, the voters keep the record of their voting on candidates and issues. Moreover, when election results are broadcasted over the Internet as disclosed in West, the voters can verify their record against the votes that election authority collected. Such verification would thwart any tampering or voting fraud, and therefore an obvious expedient.

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***Response to Arguments***

6. Applicant's amended claims and arguments have been carefully reviewed. In remarks, the Applicant argues "McClure and Anno, the combination still fails to teach or suggest "publishing election results" as recited in claims 1, 15, 20 (4<sup>th</sup> paragraph in remarks section).

In response to Applicant's remarks, the Examiner carefully reviewed previously cited  
5 references to McClure, Anno and West. It is Examiner's opinion that "publishing election results" are clearly disclosed in the West patent. In fact, it is the Examiner's opinion that the West patent by itself (102 rejection) teaches the subject matter claimed in claims 1, 15 and 20.

In treating claims 1-4, 7-20, although the Examiner's ground seem different than previous Office Action, the Examiner notes that the McClure, Anno and West patent have been cited in  
10 previous Office Action. In combining the references of McClure, Anno and West, the claimed subject matter in the instant application is anticipated.

The amended claims and remarks describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

15

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE  
20 MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)872-9306.

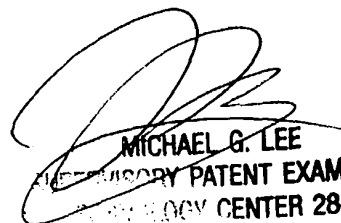
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

15 *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

20 Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

25   
Ahshik Kim  
Patent Examiner  
Art Unit 2876  
November 11, 2003

30

  
MICHAEL G. LEE  
ADVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800